

MC 1705/2012

BEFORE

HON'BLE MR JUSTICE B D AGARWAL

This application has been filed by the respondent Nos. 3 and 4 i.e. the governing body and the Principal of M.N.C. Balika Mahavidyalaya, Nalbari for modification of the order dated 28.11.2011, whereby the said authority has been restrained from filling up the post of Assistant Profession in Assamese (Group -B).

Heard Mr. N Barua, learned counsel for the applicant/ respondent Nos. 3 and 4 as well as Mr. PJ Phukan, learned counsel for the writ petitioner.

The petitioner is challenging the selection of the Assistant Profession in Assamese (Group -B) on the ground that the selection committee is defective in as much as no member is represented for the physically handicapped person as per the UGC guidelines. It is the further case of the writ petitioner that he being the physically handicapped person, the selection board should include one physically handicapped person.

On the other hand, the respondents submitted that neither in the application nor in the writ petition, the petitioner has annexed any documents from a competent authority declaring that the writ petitioner is physically handicapped.

During the course of hearing, Sri Phukan, learned counsel for the writ petitioner produced an Identity Card by the District Social Welfare Officer, Nalbari, showing that the writ petitioner is suffering from visual impairment with 40 % disability. In the Employment Exchange Card also, the fact of physically handicapped has been recorded. The documents shall be kept in the Misc Case.

In view of the aforesaid factual aspects, the applicants are allowed to complete the process of selection of Professor in Assamese (Group -B), by way of re-constituting the Selection Committee to fulfil the requirements of UGC guidelines and appoint a suitable person. However, it is made clear that any such appointment shall be subject to the result of the writ petition. In the appointment letter also, this shall be indicated.

With the aforesaid directions, the misc. Case stands disposed of.